

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

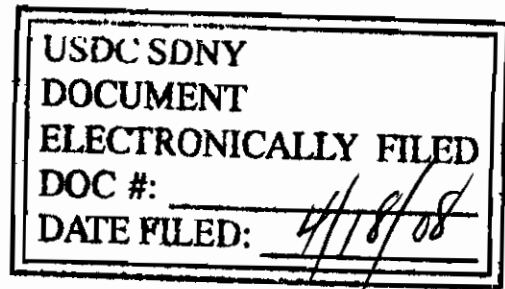
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AMNESTY INTERNATIONAL USA, CENTER
FOR CONSTITUTIONAL RIGHTS, INC., and
WASHINGTON SQUARE LEGAL SERVICES,
INC.,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF DEFENSE,
DEPARTMENT OF HOMELAND SECURITY,
DEPARTMENT OF JUSTICE, DEPARTMENT
OF STATE, and THEIR COMPONENTS,

Defendants.
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ECF CASE

**STIPULATION AND ORDER OF
PARTIAL SETTLEMENT AND
DISMISSAL**

07 CV 5435 (LAP)

WHEREAS, plaintiffs filed a complaint in this action seeking the release of certain records by, inter alia, the Department of Homeland Security and various of its offices and components, including the United States Immigration and Citizenship Enforcement, the Office of Policy, the United States Customs and Border Protection, and the Office of Intelligence and Analysis (collectively, "DHS") pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA");

WHEREAS, the allegations in the complaint concern, inter alia, a FOIA request dated April 25, 2006, sent by plaintiffs Amnesty International USA and Washington Square Legal Services, Inc. (collectively, "Plaintiffs") to DHS, entitled "Request Under the Freedom of Information Act for Records Concerning Ghost Detainee Memoranda, Department of Defense Detainee Reporting, Reports to Certain U.N. Committees, and the Draft Convention on Enforced Disappearance" (the "Reporting Request");

WHEREAS, of those records that DHS identified as responsive to the Reporting Request, DHS withheld approximately 1,800 records, in whole or in part, pursuant to 5 U.S.C. § 552(b) and other applicable laws and regulations (the "Withheld Records");

WHEREAS, in a stipulation dated February 28, 2008 (the "February 28 Stipulation"), the parties agreed that DHS would identify a sample set of 400 Withheld Records (the "Representative Set"), sorted into particular categories;

WHEREAS, the February 28 Stipulation further provided that, on February 29, 2008, DHS would submit to Plaintiffs a draft index that would include record descriptions and claimed exemptions for each record in the Representative Set, and that, between February 29, 2008, and March 14, 2008, the parties would meet and confer in order to narrow the issues to be presented to the Court;

WHEREAS, on February 29, 2008, pursuant to the February 28 Stipulation, DHS presented Plaintiffs with a draft index containing record descriptions and claimed exemptions for each record in the Representative Set;

WHEREAS, DHS processed the records within the Representative Set and released what it considered to be all reasonably segregable non-exempt information from such records;

WHEREAS, after reviewing the draft index and the information released from the Representative Set, Plaintiffs decided not to challenge DHS's response to the Reporting Request, but requested that, in processing the remaining Withheld Records, DHS segregate non-exempt electronic mail transmittal information (i.e., "to," "from," and "subject" lines) from electronic mail messages containing otherwise exempt information;

WHEREAS, DHS has agreed to segregate such non-exempt electronic mail transmittal information in those Withheld Records not yet processed, whenever such transmittal information is not otherwise exempt from release; and

WHEREAS, the parties have therefore resolved all disputes relating to DHS's response to the Reporting Request;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as follows:

1. DHS will, in good faith, process all remaining Withheld Records using the redactions made to the Representative Set as a guideline for the withholding of exempt information; provided, however, that, in processing the remaining Withheld Records, DHS will segregate non-exempt electronic mail transmittal information.

2. The provision set forth in paragraph 1 above shall be in full settlement of any and all claims Plaintiffs or their successors or assigns now have or may hereafter acquire against Department of Homeland Security ("DHS") or its components related to or arising from the Reporting Request. As of the date of entry of this Stipulation and Order by the Court, Plaintiffs hereby release and forever discharge DHS and its components, as well as their present and former agents, servants, officers, and employees, individually and in their official capacities, from any and all actions, causes of action, claims and liabilities which Plaintiffs or their successors or assigns ever had, now have, or may hereafter acquire in connection with the Reporting Request. This settlement shall be without costs or attorney's fees to any party

3. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises,

agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: Washington, D.C.

Apr. 12, 2008

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Attorneys for Amnesty International USA

By:



KYLE DEYOUNG, ESQ.

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Dated: New York, New York

_____, 2008

WASHINGTON SQUARE LEGAL SERVICES, INC.

By:

MARGARET L. SATTERTHWAITE, ESQ.

Washington Square Legal Services, Inc.
245 Sullivan Street
New York, New York 10012

agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

Dated: Washington, D.C.
_____, 2008

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Dated: New York, New York
April 3, 2008

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SO ORDERED:


United States District Judge

April 16, 2008